

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLYVE SHAW and KENARDRO PRESS, on behalf of themselves and those similarly situated,

Plaintiffs,

- against -

HORNBLOWER CRUISES & EVENTS, LCC,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/23/2023

21 Civ. 10408 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

On November 28, 2022, and consistent with the Court's Individual Practices, counsel for defendant Hornblower Cruises & Events, LLC ("Hornblower") sent counsel for plaintiffs Clyve Shaw and Kenardro Press (collectively, "Plaintiffs") a pre-motion letter identifying alleged deficiencies in the Third Amended Complaint that Plaintiffs filed in this action, and that allegedly would provide a basis for a motion to dismiss. (See Dkt. No. 64.) On December 5, 2022, also consistent with the Court's Individual Practices, counsel for Plaintiffs filed a letter in response, opposing the grounds that Hornblower stated in favor of the proposed motion. (See Dkt. No. 65.) On January 20, 2023, the Court received a letter from Hornblower asserting that the letter exchange did not resolve the dispute and thus failed to avoid

motion practice at this stage of the proceedings. (See Dkt. No. 76.)

Upon review of all pre-motion letters, the Court is not persuaded that a pre-motion conference is necessary to resolve the parties' dispute. Within seven (7) days of the date of this Order, the parties shall notify the Court whether they consent to the Court deeming the pre-motion letters as a fully briefed motion and ruling on the basis of the letters, or whether the parties request supplemental or full briefing on Hornblower's proposed motion. If the parties request supplemental or full briefing, they shall submit a proposed briefing schedule within seven (7) days of the date of this Order.

SO ORDERED.

Dated: 23 January 2023
New York, New York



Victor Marrero
U.S.D.J.